

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BERT COHEN,

Plaintiff,

-against-

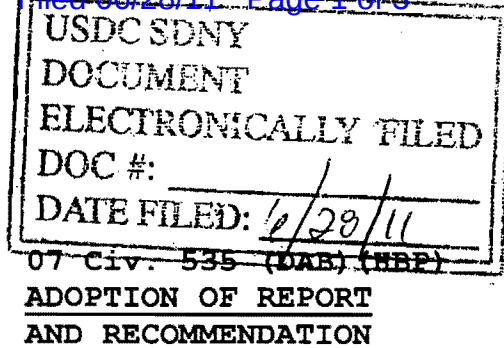
MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant.

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DEBORAH A. BATTIS, United States District Judge.

This matter is before the Court upon a Report and Recommendation ("Report") of United States Magistrate Judge Henry B. Pitman, which was filed May 17, 2011. Pro se Plaintiff seeks judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits. The Report recommends that Defendant's Motion for Judgment on the Pleadings be GRANTED and that Plaintiff's case be dismissed.

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b)(2) (stating that "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). On May 28, 2011, Plaintiff sent a letter objecting to the Report's recommendations and



requesting a hearing so that Plaintiff's current doctors could testify. (Pl.'s May 28, 2011 Letter). Plaintiff also included medical records about his current condition. Plaintiff, however, only seeks relief for the period of December 23, 1985, through March 31, 1990, and his current medical records do not reflect his condition during the time for which he is seeking relief. (Id.)

"[A] pro se party's objections to the Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate's proposal, such that no party will be allowed a second bite at the apple by simply relitigating a prior argument." DiPilato v. 7-Eleven, Inc., 662 F. Supp. 2d 333, 340 (S.D.N.Y. 2009) (citing Pickney v. Progressive Home Health Services, No. 06 Civ. 5023, 2008 WL 2811816, at \*1 (S.D.N.Y. July 21, 2008)). Although this Court construes Plaintiff's Objection liberally, see In re Sims, 534 F.3d 117, 133 (2d Cir. 2008) ("[C]ourts are, for example, to construe a pro se litigant's pleadings and motions liberally"), Plaintiff's Objection nevertheless lacks specificity and is merely a general objection and a request for another hearing. This Court will therefore review the Report for clear error.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation, Docket Entry No. 13, of United States Magistrate Judge Henry B. Pitman, dated May 17, 2011, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Defendant's Motion for Judgment on the Pleadings is GRANTED, and Plaintiff's Complaint is dismissed;

3. The Clerk of Court is directed to CLOSE the docket in this case.

SO ORDERED.

DATED: New York, New York

June 28, 2011

A handwritten signature in cursive script, reading "Deborah A. Batts", is written over a horizontal line.

Deborah A. Batts  
United States District